

REMARKS / DISCUSSION OF ISSUES

Claims 1, 3, 4, 6 – 12, 14, 15 and 17 – 23 are pending in the application. Claim 23 has been amended.

Rejection under 35 U.S.C. §101

Claim 23 stands rejected under 35 U.S.C. §101 as being allegedly directed to non-statutory subject matter. As per claim 23, the rejection is understood to be based on the premise that the broadest reasonable interpretation of a claim drawn to a computer readable medium typically covers forms of non-transitory tangible media and transitory propagating signals per se. As such, the claims are drawn to a form of energy, and therefore claim 23 is non-statutory. Claim 23 has been amended in a manner which is believed to overcome the rejection. Withdrawal of the rejection of claim 23 under 35 U.S.C. §101 is respectfully requested.

Rejection under 35 U.S.C. §103

Claims 1, 3, 4, 6 – 12, 14, 15 and 17 – 23 stand rejected under 35 U.S.C. §103(a), over Nakahara et al. (US 2003/0018491), hereinafter Nakahara and further in view of Andrews et al. (US 6,324,645 B1), hereinafter Andrews.

Applicants submit that for at least the following reasons, claims 1, 3, 4, 6 – 12, 14, 15 and 17 – 23 are patentable over Nakahara and Andrews, alone and in any reasonable combination.

Regarding the rejection of claim 1, Applicants respectfully submit that Nakahara is directed exclusively to **device based domains** and not to hybrid user/device based domains, as disclosed by the present invention. In Nakahara, users appear to only play a role as owners of such a domain, but are not represented, for example, as identifiers included in data structures, represented as elements of the domain structure. Accordingly, it is respectfully submitted that Nakahara does not teach or suggest at least the step of:

binding at least one user (P1, P2, ..., PN_i) to the domain identifier (Domain_ID),

In the Office Action, it is suggested that Nakahara discloses “Searcher X” **belonging to the domain**. The Office cites Nakahara at page 13, par. 197 and 200 in support. Applicants respectfully disagree. It is respectfully submitted that “Searcher X” is not identified/defined as a user, nor is “Searcher X” identified as a member of the domain. This is shown in Nakahara, at pars. 172 and 174. Specifically, par. 174 states in relevant part, “*when the searcher X is any of the license management units*” and par. 172 states in relevant part, “*content output units*”. Both citations suggest that “Searcher X” is not intended to be identified/defined as a user or identified as a member of the domain. Instead, Nakahara is merely teaching that the “Searcher X” is a pseudonym for a kind of role that a device/unit may have, but not a user.

Claim 1 further requires in part:

*“binding at least one content item (C1, C2, ..., CN₂) to the Authorized Domain (AD)
given by the domain identifier (Domain_ID)”*

It is respectfully submitted that Nakahara does not teach the above claim element pertaining to binding at least one content item. In the Office Action it is suggested that Nakahara discloses the content usage devices belonging to the domain at page 13, par. 200. It is respectfully submitted that “content usage **devices**” are entirely different from “content **items**”.

With continued reference to claim 1, this claim further requires in part:

“thereby obtaining a number of devices (D1, D2, ..., DM) and a number of users (P1, P2, ..., PN_i) that are authorized to access content items (C1, C2, ..., CN₂) of said Authorized Domain (AD)”

It is respectfully submitted that Nakahara does not teach the above claim element. In the Office Action it is suggested that Nakahara discloses the domain list {Domain ID}, at least one user {user}, function units {devices}, and content usage devices {content items}, and licensing {authorized} at pages 12-13, par. 200. As previously discussed above, Nakahara does not disclose at least one user or content items belonging to the domain. It therefore follows that Nakahara does not disclose at least one user and/or content item being disclosed in the domain list.

With continued reference to claim 1, this claim further requires in part:

“wherein access to the at least one content item (C1, C2, ..., CN₂) is obtained, via an authorization certificate, by verifying that the at least one content item (C1, C2, ..., CN₂) and the at least one user (P1, P2, ..., PN₁) are linked to the same domain identifier (Domain_ID) or by verifying that the at least one device (D1, D2, ..., DM) and the at least one content item (C1, C2, ..., CN₂) are linked to the same domain identifier (Domain_ID)”

It is respectfully submitted that Nakahara does not teach the above claim element. In the Office Action it is suggested that Nakahara discloses granting or restricting access to content based on whether the user and content domain licensing requirements are met – page 12, see par. 197, via an authorized certificate, see par. 198. However, par. 198 of Nakahara clearly states that the certificate is purely a regular identity certificate used to identify a component, which is different from a domain related certificate. Accordingly, the certificate of Nakahara should not be considered an authorized certificate related to a domain.

In view of at least the foregoing, Applicants submit that claim 1 is patentable over Nakahara and Andrews.

Claim 12 is different from and should be interpreted independently of claim 1.

However, since claim 12 contains at least the similar distinguishing features as in claim 1, Applicants essentially repeat the above arguments for claim 1 and apply them to claim 12, pointing out why claim 12 is patentable over Nakahara and Andrews.

Dependent claims 3, 4, 6 – 11, 14, 15 and 17 – 23 respectively depend from and inherit all the respective features of either claim 1 or 12. Thus claims 3, 4, 6 – 11, 14, 15 and 17 – 23 are patentable for at least the same reasons discussed above with respect to each independent claim, from which they depend, with each dependent claim containing further distinguishing patentable features.

Withdrawal of the rejection of claims 1, 3, 4, 6 – 12, 14, 15 and 17 – 23 under 35 U.S.C. §103(a) is respectfully requested.

Conclusion

In view of the foregoing amendments and remarks, it is respectfully submitted that all claims presently pending in the application, namely, Claims 1, 3, 4, 6 – 12, 14, 15 and 17 – 23 are believed to be in condition for allowance and patentably distinguishable over the art of record.

If the Examiner should have any questions concerning this communication or feels that an interview would be helpful, the Examiner is requested to call Mike Belk, Esq., Intellectual Property Counsel, Philips Electronics North America, at 914-333-9643.

Respectfully submitted,



Michael A. Scaturro
Reg. No. 51,356
Attorney for Applicants
516 414 2007

Mailing Address:
Intellectual Property Counsel
Philips Electronics North America Corp.
P.O. Box 3001
345 Scarborough Road
Briarcliff Manor, New York 10510-8001